

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shawn DeFrees and Karl Johnson

Application No.: 09/442,111

Filed: November 17, 1999

For: LOW COST MANUFACTURE OF
OLIGOSACCHARIDES

Art Unit: 1616

RESPONSE

#10
1.93
5/23/01

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This submission is in response to the Restriction Requirement mailed January 16, 2001 setting forth a one month period for response thereby making a due date of February 16, 2001. Applicants submit herewith a Petition for Extension of Time extending the due date from February 16, 2001 to March 16, 2001.

REMARKS

The Examiner requires Restriction to one of the following inventions under 35 U.S.C. 121:

- I. Claim 4, drawn to a reaction mixture comprising a plant or microorganism cell that produces a fucosyltransferase, classified in class 435, subclass 193.
- II. Claims 5, 12, 13, and 22, drawn to a reaction mixture comprising a plant or microorganism cell that produces a sialyltransferase, classified in class 435, subclass 193.
- III. Claim 14, 15, 19-21, 23, 29, 30, and 32-37, drawn to a reaction mixture comprising a plant or microorganism cell that produces a β 1,4-GalNAc transferase, classified in class 435, subclass 193.

MAY 18 2001

TRADEMARK OFFICE

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 890.00**Complete if Known**

Application Number	09/442,111
Filing Date	November 17, 1999
First Named Inventor	DeFrees, Shawn
Examiner Name	C. Fronda
Group Art Unit	1652
Attorney Docket No.	019957-013820

RECEIVED**MAY 23 2001****TECH CENTER 1600/2900**

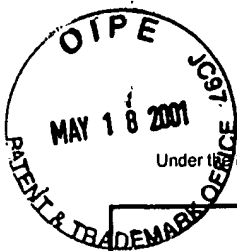
METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																														
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td>890.00</td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month	890.00	118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application	
Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																												
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																												
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																												
139	130	139	130	Non-English specification																																																																																																																																																																												
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																												
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																												
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																												
115	110	215	55	Extension for reply within first month																																																																																																																																																																												
116	390	216	195	Extension for reply within second month																																																																																																																																																																												
117	890	217	445	Extension for reply within third month	890.00																																																																																																																																																																											
118	1,390	218	695	Extension for reply within fourth month																																																																																																																																																																												
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																																												
119	310	219	155	Notice of Appeal																																																																																																																																																																												
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																												
121	270	221	135	Request for oral hearing																																																																																																																																																																												
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																												
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																												
141	1,240	241	620	Petition to revive - unintentional																																																																																																																																																																												
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																												
143	440	243	220	Design issue fee																																																																																																																																																																												
144	600	244	300	Plant issue fee																																																																																																																																																																												
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																												
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																												
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																												
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																												
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																												
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																												
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																																												
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																												
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other		2. EXTRA CLAIM FEES <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Independent Claims</th> <th>Multiple Dependent</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																							
Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																											
1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>710</td><td>201</td><td>355</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>320</td><td>206</td><td>160</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>490</td><td>207</td><td>245</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>710</td><td>208</td><td>355</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table>		Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	710	201	355	Utility filing fee		106	320	206	160	Design filing fee		107	490	207	245	Plant filing fee		108	710	208	355	Reissue filing fee		114	150	214	75	Provisional filing fee		2. SUBTOTAL (1) (\$)																																																																																																																																										
Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																											
101	710	201	355	Utility filing fee																																																																																																																																																																												
106	320	206	160	Design filing fee																																																																																																																																																																												
107	490	207	245	Plant filing fee																																																																																																																																																																												
108	710	208	355	Reissue filing fee																																																																																																																																																																												
114	150	214	75	Provisional filing fee																																																																																																																																																																												
2. SUBTOTAL (2) (\$)		2. SUBTOTAL (3) (\$)																																																																																																																																																																														

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	J. David Smith	Registration No. Attorney/Agent)	39,839	Telephone	(415) 576-0200
Signature	<i>J. David Smith</i>	Date	May 16, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. (SF 1224237 v1)

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on May 15, 2001.
Date

RECEIVED

MAY 23 2001

TECH CENTER 1600/2900

Signature

Sylvia E. Arnold

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response
Petition for Extension of Time (3 months)
Fee Transmittal